

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIO PRADO,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

22-CV-10810 (VEC)

ORDER GRANTING IFP APPLICATION
IN PRISONER CASE

VALERIE CAPRONI, United States District Judge:

Plaintiff's application for leave to proceed without prepayment of fees is granted. A prisoner bringing a civil action is required to pay the full \$350 filing fee even when proceeding *in forma pauperis* (IFP), that is, without prepayment of fees. *See* 28 U.S.C. § 1915(b)(1). The Court must collect, when funds exist in a prisoner's account, an initial partial filing fee¹ plus monthly payments. The agency having custody of the prisoner shall forward payments from the prisoner's account to the Clerk of Court each time the amount in the account exceeds \$10, until the filing fees are paid. 28 U.S.C. § 1915(b)(2); *see also* In the Matter of the Prison Litigation Reform Act, Second Amended Standing Order, M10-468 (S.D.N.Y. May 26, 2010) (requiring agencies to calculate and remit the statutory fees for litigants in their custody).

Petitioner has executed a prisoner authorization that authorizes the agency having custody of Petitioner, or any agency to which Petitioner is transferred, to send a certified copy of Petitioner's prison trust fund account for the past six months to this Court. The prisoner authorization further authorizes the agency to calculate the amounts specified by 28 U.S.C. §

¹ The initial partial filing fee is 20 percent of the greater of – (A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1)(A).

1915, to deduct those amounts from Petitioner's prison trust fund account (or institutional equivalent), and to disburse those amounts to this Court.

CONCLUSION

The Clerk of Court is directed to send a copy of this order and the prisoner authorization to the agency having custody of Petitioner. That agency is directed to forward copies of Petitioner's prison trust fund account for the past six months and to disburse the payments required under 28 U.S.C. § 1915 to the United States District Court for the Southern District of New York and to include the above docket number on the disbursement before sending it to the Court. If Petitioner is transferred to another facility, the current facility shall provide a copy of this order to the facility to which Petitioner is transferred.

It is Plaintiff's obligation to promptly submit a written notification to the Court if Petitioner's address changes, and the Court may dismiss the action if Petitioner fails to do so.

SO ORDERED.

Dated: February 3, 2023
New York, New York



VALERIE CAPRONI
United States District Judge